



Docket No. 24180-667006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Genske et al., U.S. Patent Application )  
No. 09/470,386 )

Filed: December 22, 1999 )

For: Multilayer Film Structures Having )  
Improved Seal and Tear Properties )

Examiner: M. Jackson )

Group Art Unit: 1773 )

Certificate of Mailing

I, hereby certify that this correspondence (along with any documents referred to as attached or enclosed) is being deposited with the US Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
April 2, 2004  
Date of Signature

NOTICE OF APPEAL

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

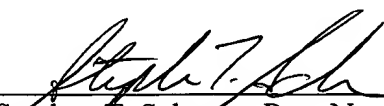
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed January 2, 2004, rejecting claims 1-12, 14 and 18-29. Pursuant to 37 CFR §1.17(b), the fee for a large entity for filing a Notice of Appeal is \$330.

The Commissioner is hereby authorized to charge \$330 and any other fees in connection with this Notice to Deposit Account No. 13-0206. A duplicate of this document is attached.

Date: April 2, 2004

MCDERMOTT, WILL & EMERY  
227 West Monroe Street  
Chicago, Illinois 60606-5096  
tel. no.: (312) 372-2000  
fax. no.: (312) 984-7700

Respectfully submitted,

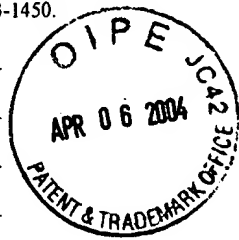
  
\_\_\_\_\_  
Stephen T. Scherrer, Reg. No. 45,080  
One of the Attorneys for Applicant(s)

04/07/2004 HGBREM1 00000029 130206 09470386  
01 FC:1401 330.00 DA

CERTIFICATE OF MAILING

I hereby certify that this correspondence with attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

on April 2, 2004  
 Date of Mailing  
Stephen T. Scherrer  
 Applicant, Assignee or Registered Representative  
Stephen T. Scherrer  
 Signature  
April 2, 2004  
 Date of Signature



<b>RESPONSE TO OFFICE ACTION TRANSMITTAL LETTER</b>			<b>ATTORNEY'S DOCKET NO.</b> 24180-667006
<b>APPLN. NO.</b> 09/470,386	<b>FILING DATE</b> December 22, 1999	<b>EXAMINER</b> M. Jackson	<b>GROUP ART UNIT</b> 1773
<b>INVENTOR(S)</b> Genske, et al.			
<b>TITLE OF INVENTION</b> Multilayer Film Structures Having Improved Seal and Tear Properties			

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is the Response to Final Office Action dated January 2, 2004, and Notice of Appeal.

- ☐ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish a small entry status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ A request for a \_\_\_-month extension of time is enclosed.
- ☒ No additional claim fee is required.
- ☐ The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL		MINUS	20	
INDEP.		MINUS	3	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

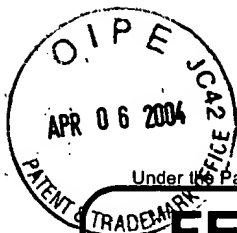
SMALL ENTITY			OTHER THAN A SMALL ENTITY	
RATE	ADD'L FEE	OR	RATE	ADD'L FEE
x \$9 =	\$0		x \$18 =	\$
x \$43 =	\$0		x \$86 =	\$
x \$145 =	\$		x \$290 =	\$
TOTAL ADD'L FEE	\$	OR	TOTAL ADD'L FEE	\$

- ☒ Please charge Deposit Account No. 13-0206 in the amount of \$330.00 for the Response to Final Office Action and Notice of Appeal. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 associated with this communication or credit any overpayment to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.
- ☐ I hereby petition under 37 CFR 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.

April 2, 2004  
(Date)

SIGNATURE: Stephen T. Scherrer  
 ATTORNEY NAME: Stephen T. Scherrer  
 REGISTRATION NO: 45,080

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 330

## Complete if Known

Application Number	09/470,386
Filing Date	December 22, 1999
First Named Inventor	Roger Genske
Examiner Name	M. Jackson
Art Unit	1773
Attorney Docket No.	24180-667006

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

13-0206

McDermott, Will & Emery

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	<input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	- 3** =	<input type="text"/>	X	<input type="text"/>	= <input type="text"/>
Multiple Dependent	<input type="text"/>					

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	330
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 330

## SUBMITTED BY

Name (Print/Type)	Stephen T. Scherrer	Registration No. (Attorney/Agent)	45,080	Telephone	(312) 372-2000
Signature		Date	April 2, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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